

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**INTERBAKE FOODS, LLC**

**and**

**BAKERY, CONFECTIONARY, TOBACCO  
WORKERS AND GRAIN MILLERS INTERNATIONAL  
UNION (BCTGM), LOCAL 68**

**Cases 5-CA-33158  
5-CA-33300  
5-CA-34261  
5-CA-34775  
5-RC-16210**

**ORDER<sup>1</sup>**

The Respondent's motion to strike or for partial summary judgment is denied.

The Respondent has failed to establish that there are no material issues of fact and that it is entitled to judgment as a matter of law.<sup>2</sup>

Dated, Washington, D.C., July 27, 2009.

WILMA B. LIEBMAN, CHAIRMAN

PETER C. SCHAUMBER, MEMBER

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<sup>1</sup>Effective midnight December 28, 2007, Members Liebman, Schaumber, Kirsanow, and Walsh delegated to Members Liebman, Schaumber, and Kirsanow, as a three-member group, all of the Board's powers in anticipation of the expiration of the terms of Members Kirsanow and Walsh on December 31, 2007. Pursuant to this delegation, Chairman Liebman and Member Schaumber constitute a quorum of the three-member group. As a quorum, they have the authority to issue decisions and orders in unfair labor practice and representation cases. See Sec. 3(b) of the Act. See *Snell Island SNF LLC v. NLRB*, 568 F.3d 410 (2d Cir. 2009); *New Process Steel v. NLRB*, 564 F.3d 840 (7th Cir. 2009), petition for cert. filed 77 U.S.L.W. 3670 (U.S. May 22, 2009) (No. 08-1457); *Northeastern Land Services v. NLRB*, 560 F.3d 36 (1st Cir. 2009), rehearing denied No. 08-1878 (May 20, 2009). But see *Laurel Baye Healthcare of Lake Lanier, Inc. v. NLRB*, 564 F.3d 469 (D.C. Cir. 2009), petitions for rehearing denied Nos. 08-1162, 08-1214 (July 1, 2009).

<sup>2</sup> Accordingly, we find it unnecessary to reach the General Counsel's argument that the motion is untimely.